

The Meeting of the Mayor and Council of the Borough of Freehold was held on Tuesday, January 21, 2020 at 7:00 p.m. in the Municipal Building.

Mayor Kane stated that the notice of the time, date and location of the meeting had been provided pursuant to the provisions of Chapter 231 of the Laws of 1975 (Open Public Meetings Act).

Chief Dispenza opened the meeting with the Salute to the Flag, followed by a moment of silence.

ROLL CALL

PRESENT	MAYOR KEVIN KANE
PRESENT	COUNCILMAN MICHAEL DIBENEDETTO
PRESENT	COUNCILWOMAN ANNETTE JORDAN
PRESENT	COUNCILMAN ADAM REICH
PRESENT	COUNCILWOMAN MARGARET ROGERS
PRESENT	COUNCILMAN GEORGE SCHNURR
PRESENT	COUNCILWOMAN SHARON SHUTZER

Mayor Kane read Item No. 4 on the Agenda as follows:

“Approval of Minutes: Special Executive Session December 9, 2019; Executive Session December 16, 2019; Council Meeting December 16, 2019.”

Councilwoman Shutzer offered a motion to accept the minutes and was seconded by Councilwoman Rogers:

On roll call Council Members DiBenedetto, Jordan, Rogers, Schnurr and Shutzer voted its adoption; opposed none; abstain Reich; absent none. Mayor Kane declared the motion adopted.

Mayor Kane read Item No 5 on the Agenda as follows:

“Swearing In and Oaths of Office:

- a. Victor Segoviano, Patrolman, Freehold Borough Police Department.**
- b. Maurizio DeGrande, Patrolman, Freehold Borough Police Department.**
- c. Ian Crawford, Patrolman, Freehold Borough Police Department.”**

Mayor Kane stated he is honored to swear in three new police officers and asked Chief Dispenza to join him.

Mayor Kane administered the Oaths of Office to the patrolmen who were joined by their families.

Councilwoman Shutzer stated this job is a family commitment. She welcomed the officers and their families as they have all made the commitment.

Mayor Kane congratulated the offices, offered wishes of safety and stated they are joining the ranks of a tremendous police department.

Mayor Kane read Item No. 6 on the Agenda as follows:

“Introduction of and Authorization to Publish Ordinance #2020/1 Adopting Zoning Regulations Necessary to Implement the Borough’s Housing Element and Fair Share Plan and Amending the Borough Administrative Code.”

Councilwoman Rogers offered the following resolution and moved its adoption, seconded by Councilman Reich:

BE IT RESOLVED, by the Mayor and Council of the Borough of Freehold that an Ordinance entitled “ORDINANCE #2020/1 ADOPTING ZONING REGULATIONS NECESSARY TO IMPLEMENT THE BOROUGH’S HOUSING ELEMENT AND FAIR SHARE PLAN AND AMENDING THE BOROUGH ADMINISTRATIVE CODE.” be, and same is hereby approved on first reading; and

BE IT FURTHER RESOLVED that the Clerk be and she is hereby authorized to publish said Ordinance in the Asbury Park Press and that shall be further considered for final passage after public hearing at a meeting held on February 3, 2020 at 7:00 PM and that during the week of said meeting copies of the Ordinance shall be made available at the Clerk’s office to members of the general public who shall request same.

On roll call Council Members DiBenedetto, Jordan, Reich, Rogers, Schnurr and Shutzer voted its adoption; opposed none; abstain none; absent none. Mayor Kane declared the motion adopted.

Mayor Kane read Item No. 7 on the Agenda as follows:

“Introduction of and Authorization to Publish Ordinance #2020/2 of the Mayor and Council of the Borough of Freehold Amending Chapter 18.72 (Design and Use Regulations Generally), Section 18.72.090 (Prohibited Uses) of the Revised General Ordinances of the Borough of Freehold.”

Councilwoman Jordan offered the following resolution and moved its adoption, seconded by Councilwoman Rogers:

BE IT RESOLVED, by the Mayor and Council of the Borough of Freehold that an Ordinance entitled “ORDINANCE #2020/2 OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD AMENDING CHAPTER 18.72 (DESIGN AND USE REGULATIONS GENERALLY), SECTION 18.72.090 (PROHIBITED USES) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FREEHOLD.” be and same is

hereby approved on first reading; and

BE IT FURTHER RESOLVED that the Clerk be and she is hereby authorized to publish said Ordinance in the Asbury Park Press and that shall be further considered for final passage after public hearing at a meeting held on February 3, 2020 at 7:00 PM and that during the week of said meeting copies of the Ordinance shall be made available at the Clerk's office to members of the general public who shall request same.

Councilwoman Jordan stated this ordinance is a result of residents' requests to make the change to allow chickens within the borough. She explained with the current trend of sustainability and backyard eco-systems, the amendments were made.

Councilwoman Shutzer reported that only hens are permitted. No roosters.

On roll call Council Members DiBenedetto, Jordan, Reich, Rogers, Schnurr and Shutzer voted its adoption; opposed none; abstain none; absent none. Mayor Kane declared the motion adopted.

Mayor Kane read Item No. 8 on the Agenda as follows:

"Introduction of and Authorization to Publish Ordinance #2020/3 of the Freehold Borough Board of Health Amending Chapter 8.56 (Board of Health Regulations) Section 8.56.280 (Domestic Animals) of the Revised General Ordinances of the Borough of Freehold."

Councilwoman Jordan offered the following Resolution and moved its adoption, seconded by Councilwoman Shutzer:

BE IT RESOLVED, by the Mayor and Council of the Borough of Freehold that an Ordinance entitled "ORDINANCE #2020/3 OF THE FREEHOLD BOROUGH BOARD OF HEALTH AMENDING CHAPTER 8.56 (BOARD OF HEALTH REGULATIONS) SECTION 8.56.280 (DOMESTIC ANIMALS) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FREEHOLD." be, and same is hereby approved on first reading; and

BE IT FURTHER RESOLVED that the Clerk be and she is hereby authorized to publish said Ordinance in the Asbury Park Press and that shall be further considered for final passage after public hearing at a meeting held on February 3, 2020 at 7:00 PM and that during the week of said meeting copies of the Ordinance shall be made available at the Clerk's office to members of the general public who shall request same.

On roll call Council Members DiBenedetto, Jordan, Reich, Rogerr, Schnurr and Shutzer voted its adoption; opposed none; abstain none; absent none. Mayor Kane declared the motion adopted.

Mayor Kane read Item no. 9 on the Agenda as follows:

“Resolution Authorizing Execution of a Shared Services Agreement with Freehold Township for Automotive Services.”

Councilman Schnurr offered the following Resolution and moved its adoption, seconded by Councilwoman Rogers:

RESOLUTION AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT WITH FREEHOLD TOWNSHIP FOR AUTOMOTIVE SERVICES.

On roll call Council Members, Jordan, Reich, Rogers, Schnurr and Shutzer voted its adoption; opposed DiBenedetto; abstain none; absent none. Mayor Kane declared the motion adopted.

Mayor Kane read Item No. 10 on the Agenda as follows:

“Resolution Approving Change Order Number 1 for the Repaving of Hudson and Bennett Streets.”

Councilman DiBenedetto offered the following Resolution and moved its adoption, seconded by Councilwoman Shutzer:

RESOLUTION APPROVING CHANGE ORDER NUMBER 1 FOR THE REPAVING OF HUDSON AND BENNETT STREETS.

On roll call Council Members DiBenedetto, Jordan, Reich, Rogers, Schnurr and Shutzer voted its adoption; opposed none; abstain none; absent none. Mayor Kane declared the motion adopted.

Mayor Kane read Item No. 11 on the Agenda as follows:

“Resolution of the Mayor and Council of the Borough of Freehold, County of Monmouth, New Jersey Appointing Stephen J. Gallo as Temporary Purchasing Agent.”

Councilman Schnurr offered the following Resolution and moved its adoption, seconded by Councilwoman Shutzer:

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD, COUNTY OF MONMOUTH, NEW JERSEY APPOINTING STEPHEN J. GALLO AS TEMPORARY PURCHASING AGENT.

Councilman Schnurr reported this is for the remainder of 2020.

On roll call Council Members DiBenedetto, Jordan, Reich, Rogers, Schnurr and Shutzer voted its adoption; opposed none; abstain none; absent none. Mayor Kane declared the motion adopted.

Mayor Kane read Item No. 12 on the Agenda as follows:

“Resolution of the Mayor and Council of the Borough of Freehold Authorizing the Planning Board to Undertake a Preliminary Investigation for Redevelopment.”

Councilwoman Rogers offered the following Resolution and moved its adoption, seconded by Councilwoman Jordan:

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD AUTHORIZING THE PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION FOR REDEVELOPMENT.

On roll call Council Members DiBenedetto, Jordan, Reich, Rogers, Schnurr and Shutzer voted its adoption; opposed none; abstain none; absent none. Mayor Kane declared the motion adopted.

Mayor Kane read Item No. 13 on the Agenda as follows:

“Resolution Confirming Personnel Appointments/Actions:

- a. Termination of Vincent Hynes as a member of the Freehold Borough Fire Department, Good Will Hook & Ladder Company, effective January 21, 2020.”**

Councilwoman Shutzer offered the following Resolution and moved its adoption, seconded by Councilwoman Jordan:

**RESOLUTION CONFIRMING PERSONNEL APPOINTMENTS/ACTIONS:
13A.**

On roll call Council Members DiBenedetto, Jordan, Reich, Rogers, Schnurr and Shutzer voted its adoption; opposed none; abstain none; absent none. Mayor Kane declared the motion adopted.

Mayor Kane read Item No. 14 on the Agenda as follows:

“Resolution Approving the Following Applications:

- a. Taxi Owner License, Elite Taxi & Car Service.**
- b. Taxi Owner Licenses (2), SJS Taxi Services.**
- c. Taxi Driver License, Michael Beierschmitt.**
- d. Taxi Driver License, Paula Soto Lopez.**
- e. Solicitation License, Kym Derriman, Trinity Solar, Monday – Saturday, 9:00 AM to 7:00 PM.**

- f. **Precious Metal/Second Hand Dealer License, AGC Pawnbrokers, 145 South Street.**
- g. **Precious Metal/Second Hand Dealer License, Freehold Jewelers, 33 West Main Street.**
- h. **St. Patrick's Day Parade, 3/15/20, Main Street from McLean Street to Elk's Point, 12:00 PM to 2:30 PM. c/o Downtown Freehold and Freehold Borough Arts Council.**
- i. **Street Musical Performance, Sal Aversano, playing guitar at Liberty Triumph Park, Friday through Sunday, 4:00 PM to 6:45 PM.**
- j. **Raffle License #1-20, Jack and Jill of America Inc Jersey Shore Chapter, Basket Raffle, 3/7/20, 618 Restaurant.**
- k. **Raffle License #2-20, Jack and Jill of American Inc. Jersey Shore Chapter, Off premise merchandise raffle, 3/7/20, 618 Restaurant.**
- l. **Raffle License #3-20, Jack and Jill of America Inc. Jersey Shore Chapter, 50/50, 3/7/20, 618 Restaurant.**
- m. **Raffle License #4-20, Ardena PTA, 50/50, 3/19/20, American Hotel, 18 East Main Street.**
- n. **Raffle License #5-20, Ardena PTA, Gift Auction, 3/19/20, American Hotel, 18 East Main Street.**
- o. **Memorializing Raffle License #6-20, Freehold Intermediate School PTO, Gift Auction, 2/1/20, 280 Park Avenue.**
- p. **Raffle License #7-20, Ramtown PTO, 50/50, 3/13/20, Aurum Events, 17 South Street.**
- q. **Raffle License #8-20, Ramtown PTO, Gift Auction, 3/13/20, Aurum Events, 17 South Street.**
- r. **Raffle License #9-20, St. Rose of Lima Church, 50/50, 6/16/20 – 6/20/20, 16 McLean Street.**
- s. **Raffle License #10-20, St. Rose of Lima Church, Super 50/50, 6/20/20, 16 McLean Street.**
- t. **Massage Establishment/Therapist License, Xiuhua Yu, Magic Fingers LLC, 25 Broad Street Ste. 10A.”**

Councilman Reich offered the following Resolution and moved its adoption, seconded by Councilwoman Shutzer:

RESOLUTION APPROVING THE FOLLOWING APPLICATIONS: 14A – 14T.

On roll call Council Members DiBenedetto, Jordan, Reich, Rogers, Schnurr and Shutzer voted its adoption; opposed none; abstain none; absent none. Mayor Kane declared the motion adopted.

Mayor Higgins read Item No. 15 on the Agenda as follows:

“Approval of Bills.”

Councilman Schnurr offered the following Resolution and moved its adoption, seconded by Councilwoman Jordan:

BE IT RESOLVED by the Mayor and Council of the Borough of Freehold that the bills on the attached list in the amount of \$3,088,029.33 be paid as presented.

Councilman Schnurr explained the top three bills will be read into the record:

1. \$493,770.32 – Seacoast Construction for roadway improvements
2. \$317,711.00 – Freehold Regional High School Taxes
3. \$ 99,875.00 – Aerial lift truck purchase

On roll call Council Members DiBenedetto, Jordan, Reich, Rogers. Schnurr and Shutzer voted its adoption; opposed none; abstain none; absent none. Mayor Kane declared the motion adopted.

Mayor Kane read Item No. 16 on the Agenda as follows:

“Clerk – Late Communications.”

There were none.

Mayor Kane read Item No. 17 on the Agenda as follows:

Items for Discussion:

- a. **Redevelopment Presentation – House of Glam, 28 East Main Street, Block 62, Lot 9.01, Proposed Use – Lash Salon. Change of use requires an off street parking requirement review.**

Borough Attorney, Kerry Higgins reviewed the application and described the business which is a permitted use. She explained the applicant is proposing an awning which is non-conforming and is deficient in parking. Ms. Higgins stated the applicant must apply to Planning Board for a variance for parking and must contribute to the Capital Parking Fund.

Mr. Bill Wentzien, Borough Engineer, confirmed the awning is nonconforming, the parking is nonconforming and the use is conforming.

Vince Halleran, Esq. representing the applicant, Brianne Sanfelice, stated Ms. Sanfelice has been before the Historic Preservation Committee and received approval for her awning.

Mr. Wentzien stated the application was reviewed by the Historic Preservation Committee under the old plan, which changed mid-December. He stated the change requires the awnings to project further than they are high.

Ms. Brianne Sanfelice was sworn in. In response to Councilman Schnurr’s inquiry, she confirmed a deposit was paid on the awning and stated she is able and willing to make any changes necessary to the design.

Ms. Higgins suggested the awning company contact the Borough Engineer to get the specifics.

A discussion was had regarding grandfathering this applicant to keep the existing standard. It was decided that is better to use the standards of the new Ordinance and adhere to that going forward. It was confirmed the applicant was fine with making the design changes.

Ms. Sanfelice provided a description of the parking needed in comparison to the 20 spaces required. Ms. Sanfelice described her business including hours of operation. She explained all clients are by appointment only and stated all stylists will not be working at the same time.

Councilwoman Shutzer confirmed passing this application means it then gets sent to Planning Board to review the parking and decide if a variance will be granted.

Ms. Higgins stated yes and provided sample wording.

Mr. Wentzien stated the applicant is deficient by 19 parking spaces.

Mr. Halleran stated Matt Young, Code Official, stated she has three spaces in the Market Yard.

Ms. Higgins responded that is not the case, as he could not give away public parking spaces.

Councilwoman Shutzer stated this business complies with the permitted use within the Core Rehabilitation Zone and therefore is approved as a permitted use subject to it meeting the awning requirements and being referred to the Planning Board for a parking variance, as it is short 19 spaces and any other deficiencies, seconded by Councilman Reich.

Councilman DiBenedetto stated based on the information provided, her clients could enjoy other businesses downtown and he would vote in favor.

Councilwoman Jordan suggested changing the application to reflect six work stations, not eight.

On roll call Council Members DiBenedetto, Jordan, Reich, Rogers, Schnurr and Shutzer voted its adoption; opposed none; abstain none; absent none. Mayor Kane declared the motion adopted.

Mayor Kane read Item No. 18 on the Agenda as follows:

“Public Comments”

Mr. Sal Aversano, 24 Manchester Court, thanked Mayor and Council for approving his application to perform downtown.

Councilwoman Shutzer made a motion to close Public Comments, seconded by Councilman DiBenedetto.

On roll call Council Members DiBenedetto, Jordan, Kane, Rogers, Schnurr and Shutzer voted its adoption; opposed none; abstain none; absent none. Mayor Higgins declared the motion adopted.

Mayor Kane read Item No. 19 on the Agenda as follows:

“Council Comments.”

Councilman Schnurr reported he attended a Martin Luther King Jr. celebration at Bethel AME Church with Mayor Kane and Councilwoman Rogers and it was a very nice program.

Councilwoman Rogers stated the program at Bethel AME Church in honor Martin Luther King Jr. was very nice and uplifting. She congratulated the new police officers and wished everyone a good evening.

Councilman DiBenedetto thanked everyone for attending and congratulated the new police officers and their families. He welcomed Borough Administrator, Steve Gallo, to his first meeting. Councilman DiBenedetto offered his condolences to the family of Jim Kovacs, previous Borough Engineer, who served the town well and Det. Richard Schwerthoffer on the loss of his brother due to cancer.

Councilwoman Jordan stated project ideas are now being accepted for the 2020 Participatory Budget and the forms are on line. She stated the Chicken Ordinance passed and she recently had a great meeting with the Mayor, Mr. Gallo at the Downtown Partnership and she's looking forward to working with them.

Councilman Reich thanked everyone for coming and congratulated the new patrolmen and their families. He stated the Human Relations Committee is looking to partner with other groups to offer more walking tours and other events.

Councilwoman Shutzer offered condolences to the Schwerthoffer and Kovacs families. She welcomed Borough Administrator Steve Gallo and welcomed the new police officers and their families. Councilwoman Shutzer stated she hopes the license granted to Mr. Sal Aversano is a one-shot deal and gave sincere apologies for missing the Martin Luther King Jr. celebration, but could not attend due to illness.

Mayor Kane congratulated the new police officers and offered condolences to the Kovacs and Schwerthoffer families. He welcomed Borough Administrator Steve Gallo and stated he is looking forward to working with him.

Mayor Kane stated there was no further business and adjourned the meeting.

The meeting was adjourned at 7:46 PM.

Respectfully Submitted,

A handwritten signature in blue ink, reading "Traci L. DiBenedetto". The signature is fluid and cursive, with the first name "Traci" being more prominent.

TRACI L. DIBENEDETTO, RMC
BOROUGH CLERK

TLD:lc